

DATE OF MEETING    SEPTEMBER 19, 2022

AUTHORED BY        DAVID LABERGE, MANAGER, BYLAW SERVICES

**SUBJECT            NUISANCE PROPERTY ABATEMENT – 52 ATHLETIC STREET**

## **OVERVIEW**

### **Purpose of Report**

To inform Council of ongoing activities at 52 Athletic Street which substantially and unreasonably interfere with other persons' use and enjoyment of property, and require repeated calls for municipal and police services to abate nuisances.

### **Recommendation**

That Council declare 52 Athletic Street a "Nuisance" pursuant to the "Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250", and to authorize Staff to record and charge for municipal services including police required to abate nuisance activity.

## **BACKGROUND**

The property at 52 Athletic Street first came to the attention of City of Nanaimo Bylaw Services staff in June of 2019. Complaints were received from the community that the property had been in an unsightly condition for more than a year, and that people were living in tents and recreation vehicles in the yard. The property was inspected, and found to be in contravention of the property maintenance bylaw. Discarded furniture, mattresses, garbage, stripped bicycles and wire was found in the front, side and rear yards. Numerous people and six cats were found to be living in the house and in temporary shelters in the yard. The owners substantially cleaned up the property over a period of two months, and the bylaw file was closed.

New complaints were received from the neighbourhood in October 2021, reporting that the property was a mess with garbage strewn everywhere, and that people were coming and going at all hours. The owners were informed that the property was in contravention of the property maintenance bylaw once again. The owners were responsive to direction provided by the City and brought in a large disposal bin in November and started cleaning up the yard.

Bylaw enforcement officers continued to inspect the property periodically in early 2022, observing recurring accumulations of garbage and indications that it was an active drug house. The property was reviewed as a potential nuisance property, but was deferred until ongoing police investigations could be completed. Police advised that their investigations had been completed in late June.

Nanaimo RCMP and Fire Services responded to a fire incident at the residence on 2022-AUG-11 and determined that a small fire had been set in the main living area. A deceased person was

found in the residence, and investigators determined that the death was a homicide. The residence was boarded up and secured after the crime scene investigation was concluded.

People have continued to attend to the property at all hours of the day and night since the fire incident, accessing the residence and removing furniture, belongings and garbage which has been strewn around the property. Nearby residents report that this property is a blight to their neighborhood, and that they are fearful for their safety.

The RCMP have received 40 calls for service to 52 Athletic Street since January 2021, with 14 of the calls being nuisance-related activity. Police have executed three search warrants on the property resulting in the seizure of illicit drugs, and have investigated a serious assault and an abduction with a firearm. The homicide investigation is ongoing, and police report significant concern for the safety of the community. |

## **DISCUSSION**

The ongoing activities at 52 Athletic Street are significantly disruptive and interfere with the safety, peace, quiet and enjoyment of the community. If the property is designated as a nuisance in accordance with the provisions of “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250”, staff will be authorized to impose the costs of abating any future nuisances to the property owners. |

## **OPTIONS**

1. | That Council declare 52 Athletic Street a “Nuisance” pursuant to the “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250”, and to authorize Staff to record and charge for municipal services including police required to abate nuisance activity.
2. That Council provide alternative direction. |

## **SUMMARY POINTS**

- The property at 52 Athletic Street has been in contravention of property maintenance regulations on repeated occasions in recent years.
- Police have executed numerous search warrants, seized illicit drugs and investigated serious crimes including a homicide at the property.
- People attend to the property at all hours causing substantial disturbances.
- Nuisance property designation is recommended.

**ATTACHMENTS:**

- ATTACHMENT A - Property photographs – 52 Athletic Street
- ATTACHMENT B - RCMP letter dated 2022-AUG-22
- ATTACHMENT C - Summary of police calls for service since January 2021 |

**Submitted by:**

David LaBerge  
Manager, Bylaw Services |

**Concurrence by:**

Dale Lindsay  
General Manager Development Services  
/Deputy CAO |